

Steve Zissou & Associates

Attorneys at Law

42-40 Bell Boulevard, Suite 302
Bayside, New York 11361

Office (718) 279-4500
Facsimile (718) 281-0850

Email: stevezissou@verizon.net

BY ECF

March 4, 2014

Hon. Paul A. Engelmayer
United States District Judge
Southern District of New York
U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Anibal Ramos*
11 Cr. 1032 (PAE)

Dear Judge Engelmayer

I submit this supplemental sentence letter on behalf of Anibal Ramos. It is intended to supplement the more detailed submission filed by lead counsel, Bennet Epstein on March 3, 2014. I have also attached letters of support from two of Mr. Ramos' children. Mr. Ramos is scheduled to be sentenced in this case on March 14, 2014.

Paragraph 124 of the second addendum to the presentence report continues to assert that "at the time the instant offense was committed, the defendant was on parole." This assertion is simply factually inaccurate and we continue to press the objection that was first made to the probation department and the government.

Although the *indictment* charges an offense that began while Mr. Ramos was on parole from a New York State Conviction, his entry into the racketeering conspiracy did not occur until *after* term of parole supervision had been terminated. While it may be true that Mr. Ramos was on parole when the conspiracy commenced, he played no active role in it until much later. Otherwise, the dates in the indictment control the determination of whether or not Ramos committed the offense while on parole not the date when the government can show that Ramos actually agreed to participate in a "pattern of racketeering involving two or more predicate acts" (see: 18 U.S.C §1961). Otherwise, the dates in the indictment become that "tail that wags the dog" as opposed to the date when a person enters into such an agreement.

It is likewise immaterial that Mr. Ramos *pled guilty* to a racketeering conspiracy that commenced while he was on parole. Since a conspiracy is

presumed to continue until all of the aims and objectives of the conspiracy have been satisfied or until the last overt act of the co-conspirators is committed (*see: Modern Federal Jury Instructions*, 19.10), a member is not criminally responsible for the acts and omissions that occurred prior to his entry into the illegal agreement. Logically then, it is equally apparent that a person cannot have committed a crime while on parole *before* he actually committed it.

Accordingly, two additional points should not be added to his criminal history computation. The base offense level of 26 rather than 29 applies. In addition, his criminal history category is III, not VI, since he is not a career offender. And, as set forth in the plea agreement, the total offense level is 27 and the advisory sentence range is 87 - 108 months.

Thank you very much for your consideration in this matter

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Zissou".

Bennett M. Epstein
Steve Zissou
Attorneys for the Defendant

To: The honorable Judge
Paul A. Engelmayer

Dear: Judge.

My name is Isaiah Ramos I am the son of Anibal Ramos the reason why I am writing you today is so that your honor could know how much I need my dad in my life.

I will start by letting you know that I am a At class student and I also work as a volunteer at my school as well. I strive so hard because I would like to become a Judge one day so I could fight the crime that's in this world but at the same time help those in need.

Your honor ever since my dad got me and my brother out of the foster care system my life has been more positive. My dad have showed me that a real man is made of the following Quality's, honesty, humbleness, caring, and being truthful and helping out your community as well as your peers. that man needs to be a roll model for kids as well as adults.

When I first arrived to my dad's care I was screwed up in my head & heart I've blamed every one around me for the things that happened to me while in foster care.

I was beating, miss treated and even abused verbally even my biological mom neglected me and my brother life for me was very unpleasant.

We use to sit in this Dinner and eat breakfast then he would walk me to school and he would leave to work.

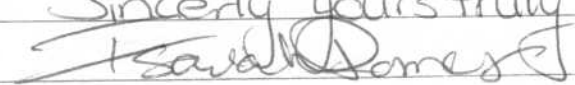
After school. I would meet my dad at his job which was ferdham glass. then we would either take the subway home or call my mom to pick us up.

I miss my dad so much why does every one in the world has there dad except me I lost my dad for no reason your honor. Can you imagine how would a dad feel with out his son.

Specially if he loves you. it hurts so bad but I would like to take this time sir to ask you to please in god's name help me Re-unight with my dad. soon.

I miss him so much to me my dad is my hero. and I need him in my life

Thank you for listening to me in this matter. and my god bless you and your family. forever

Sincerely yours truly

Isaiah Ramos

FROM: 66073054

TO:

SUBJECT: re: letter to judge

DATE: 10/02/2013 03:00:23 PM

Date: 10/01/13

To: Your Honor Judge Paul A.Engalmayer

My name is Anibal Angel Ramos Jr the reason for this letter is to ask your honor if it is possible that you could help my dad return back home.

I have been with my dad 10 year's together since 2003 before that i was located in a foster home which name was Christopher Otterly located in Nevins street in Brooklyn N.Y due to my mother loosing her parental right because of neglect on or about 2003 my father Anibal Ramos Started to fight for us by presenting him self to court and asking what he needed to do to have us live with him.

My father had to go under so many thing as for example weekly visit's in the agency attended parenting classes provided proof of employment and have a permanent housing for us which my father completed and accomplished all the requirements that the agency asked of him.

On about 2005 My self and my little brother Isaiah Ramos where finally giving to my father and we was able to go to our home ever since i have seen my father work hard to provided for us and give us a dissent life as a poor class family even though we know my dad was incarcerated in the past .

My father has shown us the sense and the value of Education and earning a dollar the right way he has told me that education comes first and that with out it us as poor low class families would not survive in this tough society. My father also told me that he wanted me and my brother to be better then what he was that he had high expectations of us and that he never want to see us commit the same mistakes as he did when he was growing up.

Before my Father was arrested On December 7th 2011 we had a very strong and functional family now my mother and brother's strive everyday because of the hardship we have to go through due to the absence of my father. Your honor my father is not a prefect men he did commit mistake in his life in the past but ever since i have lived with my dad all i have see my dad do is work and take care of his family. To the family it is very shocking that my father after 12 year's of staying straight and working hard on changing his life from what it was To the family man he is today for us it is sad that my dad have to be incarcerated behind bar's for something he did not do but i believe in God your honor and in his Justice and one day we will be reunited with my dad.

I would just like to take this time your honor to let you know that we believe that you will see through the lies that are being said about my dad And i Hope and pray to god that your honor would have mercy on my dad.

Sincerly Your's Truly

Anibal A. Ramos Jr